

## **Senate Bill No. 611**

### **CHAPTER 45**

An act to add Section 15657.01 to the Welfare and Institutions Code, relating to elder and dependent adult financial abuse.

[Approved by Governor July 12, 2007. Filed with  
Secretary of State July 12, 2007.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 611, Steinberg. Financial abuse of elder and dependent adults.

Existing law provides for the award of attorney's fees and costs, and damages to a plaintiff when it is proven by a preponderance of the evidence that the defendant is liable for financial abuse of an elder or dependent adult and permits additional recovery where there is clear and convincing evidence of recklessness, oppression, fraud, or malice.

Under the Attachment Law, a plaintiff is authorized to use the remedy of attachment against a defendant's property to secure the amount of the claimed indebtedness to the plaintiff in connection with cases involving contracts.

This bill would also permit the use of the Attachment Law in cases involving financial abuse against an elder or dependent adult, whether or not other forms of relief are demanded.

*The people of the State of California do enact as follows:*

SECTION 1. Section 15657.01 is added to the Welfare and Institutions Code, to read:

15657.01. Notwithstanding Section 483.010 of the Code of Civil Procedure, an attachment may be issued in any action for damages pursuant to Section 15657.5 for financial abuse of an elder or dependent adult, as defined in Section 15610.30. The other provisions of the Code of Civil Procedure not inconsistent with this article shall govern the issuance of an attachment pursuant to this section. In an application for a writ of attachment, the claimant shall refer to this section. An attachment may be issued pursuant to this section whether or not other forms of relief are demanded.